Order No. R. L. 463—Legis. 30-48-1, Bangalore, dated 14th August 1948.

Ordered that the accompanying Hoarding and Profiteering Prevention Act, 1948, which received the assent of His Highness the Maharaja, on the 7th day of August 1948, be published as Act No. LX of 1948, in the *Mysore Gazette* for general information.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. LX OF 1948.

THE HOARDING AND PROFITEERING PREVENTION ACT, 1948.

(*Received the assent of His Highness the Maharaja on the Seventh day of August* 1948.)

An Act to provide for the prevention of hoarding and profiteering.

WHEREAS it is expedient to provide for the prevention of hoarding and profiteering;

It is hereby enacted as follows:—

Short title extent and commencement.

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1948.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "article" includes any article or thing, (except foodgrains) which has not, by notification in the official Gazette, been declared by the Government to be an article or thing to which this Act does not apply;

(*b*) "Controller" means any officer appointed as Controller of Civil Supplies by the Government in this behalf and includes any officer who may be authorised by the Government by notification in the official Gazette to exercise the powers of the Controller;

(*c*) "dealer" means a person carrying on the business of selling any article, whether wholesale or retail;

(*d*) "Inspector" means an Inspector appointed for the purposes of this Act by the Government and includes and Assistant Inspector;

(*e*) "landed cost" means and includes the actual cost of the article as mentioned in the invoice received by the importer and all expenses incurred on account of insurance, freight, banking charges, customs duty, landing an clearing charges incurred by the importer up to the receipt of the article at his godown at the port at which it is landed;

(*f*) "producer" includes a manufacturer;

(*g*) the expression 'offer for sale' shall be deemed to include a reference to an intimation by a person of the price proposed by him for the sale of an article, made by the publication of a price list, by exposing the article for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise howsoever.

(*h*) an article shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person or when held by that person on behalf of another person;

(ii) notwithstanding that it is mortgaged to another person.

Fixing of maximum quantities which may be held or sold and maximum prices.

3. (1) The Government may, by notification in the official Gazette, fix in respect of any article—

(*a*) the maximum quantity which may at any one time be possessed by a dealer or producer;

(*b*) the maximum quantity which may in any one transaction be sold to any person;

(*c*) the maximum price or rate which may be charged by a dealer or producer.

(2) The quantities and prices or rates fixed in respect of any article under this section may be different in different localities or for different classes of dealers or producers.

Restrictions on possession and sale by dealers or producers where maximum is fixed under section 3.

4. (1) No dealer or producer shall—

(*a*) have in his possession at any one time a quantity of any article exceeding the maximum fixed by notification under clause (*a*) of sub-section (1) of section 3; or

(*b*) sell or offer for sale to any person in any one transaction a quantity of any article exceeding the

maximum fixed by notification under clause (*b*) of sub-tion (1) of section 3; or

(*c*) sell or offer for sale or otherwise dispose of to any person any article for a price or at a rate exceeding the maximum fixed by notification under clause (*c*) of sub-section (1) of section 3.

(2) Where a dealer or producer disposes of an article by having it sold by auction on his behalf, the auctioneer as well as the dealer or producer shall be liable to punishment provided by sub-section (1) of section 14 if in any such sale there is a contravention of clause (*c*) of sub-section (1).

(3) Where any article is sold, offered for sale or otherwise disposed of in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention the dealer or producer, as the case may be, and any person having charge on behalf of the dealer or producer of the place where the contravention occurred, shall be liable to the punishment provided by sub-section (1) of section 14 whether or not they were present when the contravention occurred.

Restrictions on possession by dealer or producer where no maximum is fixetd under section 3.

5. Where no maximum has been fixed by notification under clause (*a*) of sub-section (1) of section 3,—

(*a*) no dealer shall have in his possession at any one time a quantity of any article exceeding one-quarter of the total quantity of that article held by him in the course of the year 1939, or as the case may be, exceeding the quantity which the Controller or other officer empowered in this behalf by the Government may intimate to him as the maximum quantity of that article which he may have in his possession at any one time; and

(*b*) no producer shall have in his possession at any one time a quantity of any article exceeding one-quarter of his total production of that article during that one of three years 1940, 1941 and 1942 in which his production was greatest, or as the case may be, exceeding the quantity which the Controller or other officer empowered in this behalf by the Government may intimate to him as the maximum quantity of that article which he may have in his possession at any one time.

Restriction on price where no maximum is fixed under section 3.

6. (1) Where no maximum has been fixed by notification under clause (*c*) of sub-section (1) of section 3, no dealer or producer shall sell or offer for sale or otherwise dispose of an article for a consideration which is unreasonable.

(2) For the purposes of this section a consideration is unreasonable if, whether it is exclusively in money or not,—

(*a*) the purchaser is, as a condition of sale, required to purchase at the same time any other article;

(*b*) where the sale is by a dealer, the consideration exceeds the amount represented by the addition allowed by the normal trade practice in force on the 31st day of August, 1939, to—

(i) the landed cost of the article increased by any charges for freight and octroi or other duties incurred during transit between the importer's godown at the port of landing and the place of delivery to the consignee in Mysore, or

(ii) the price at which the producer sold the article in the case of an article which is not imported;

(*c*) where the sale is by a producer, the consideration exceeds the amount represented by the addition allowed by the normal trade practice in force on the 31st day of August 1939 to the cost of production of the article, such cost of production being deemed to be exclusive of the amount, if any, by which the price paid by the producer for any component part of the article exceeded (i) the maximum price fixed for the component part under section 3 and in force at the time of its purchase by the producer, or (ii) where no maximum price had been so fixed for the component part, the amount represented by the addition allowed by the normal trade practice in force on the 31st day of August 1939 to the cost of production of the component part :

Provided that, where the addition allowed by such normal trade practice exceeds or is alleged to exceed 20 per cent, the dealer or producer, as the case may be, shall report the fact to the controller who may either sanction such addition or for reasons to be recorded in writing, order its variation; and the dealer or producer, as the case may be, shall be deemed to sell for a consideration which is unreasonable if such report has not been made or if after such report has been made and the Controller has varied

such addition, the price charged exceeds the limits approved by the Controller under this proviso.

(3) The Controller may make or cause to be made a certificate stating the landed cost of any imported article dealt in by a dealer, and shall, on request made by any dealer, grant or cause to be granted to that dealer a certificate stating the landed cost of any such imported article.

(4) Where a dealer or producer disposes of an article by having it sold by auction on his behalf, the auctioneer as well as the dealer or producer shall be liable to the penalty provided by sub-section (1) of section 14 if in any such sale there is a contravention of sub-section (1).

(5) Where any article is sold, offered for sale or otherwise disposed of in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, and any person having charge on behalf of the dealer or producer of the place where the contravention occurred, shall be liable to the punishment provided by sub-section (1) of section 14 whether or not they were present when the contravention occurred.

General limitation on quantity to be possessed at any one time.

7. (1) No person shall have in his possession at any one time a greater quantity of any article to which this section applies than the quantity necessary for the reasonable needs of himself and his family for a period of three months or such longer period as may for special reasons in his particular circumstances be considered a reasonable period for which to make provision.

(2) For the purposes of sub-section (1), the expression "reasonable needs" includes the fulfilment of social or religious or other customary obligations.

(3) Nothing in this section shall apply to a dealer or producer in respect of any article sold by or produced by him.

(4) This section shall apply only to such articles as the Controller may, by order published in the official Gazette, specify for the purpose.

Duty to declare possession of excess stocks.

8. Any person having in his possession a quantity of any article exceeding that permitted by or under this Act shall forthwith report the fact to the Controller or other officer empowered in this behalf by the Government,

and shall take such action as to the storage, distribution or disposal of the excess quantity as the Controller or such officer may direct.

Refusal to sell.

9. No dealer or producer shall, unless previously authorised to do so by the Controller or other officer empowered in this behalf by the Government, without sufficient cause refuse to sell to any person any article within the limits if any, as to quantity imposed by this Act.

Explanation.—The possibility or expectation of obtaining a higher price for an article at a later date shall not be deemed to be a sufficient cause for the purposes of this section.

Power of Controller to order or prohibit sale.

10. The Controller may, by order in writing, direct any dealer or producer—

(*a*) to sell to any specified person any specified article or articles in such quantity, within the limits, if any, as to quantity imposed by this Act, as may be specified in the order,

(*b*) not to sell except to such persons as the Controller may, in the order or otherwise, specify any specified articles or classes of articles for such period not exceeding twenty-one days as may be specified in the order.

Cash memorandum to be given of certain sales.

11. (1) Every dealer or producer when selling any article for cash shall, if the amount of the purchase is ten rupees or more in all cases, and, if the amount of the purchase is less than ten rupees when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Government may, by notification in the official Gazette, prescribe the particulars to be contained in any such cash memorandum.

(3) The Government may, by notification in the official Gazette, exempt specific areas, classes of dealers or producers, or commodities from the operation of this section.

Marking of prices and exhibiting price list.

12. (1) The Controller may direct any dealer or producer to mark articles exposed or intended for sale with the sale prices or to exhibit on his premises a price list of articles held by him for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(*b*) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to seven years.

(7) (*a*) The Government as respect any area declared by it to be protected area, may make orders for controlling or regulating the admission of persons to and the conduct of persons in, and in the vicinity of such area;

(*b*) Without prejudice to the generality of the foregoing provision, orders made under clause (*a*) in relation to any area may make provision for—

(i) restricting the admission of persons to such area and for removing therefrom any person who is therein in contravention of such orders;

(ii) for requiring the presence of any person or class of persons in such area to be notified to a prescribed authority;

(iii) for requiring any person or class of persons in such area to carry such documentary evidence of identity as may be prescribed; and

(iv) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(*c*) An order made under this sub-section in respect of a protected area may exempt such area from all or any of the provisions of this section which are expressed to apply to or in relation to a protected area or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(*d*) If any person contravenes any order made under this sub-section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

Amendment of section 3 of Act XII of 1940.

9. In the second proviso to sub-section (2) of section 3 of the Mysore Public Security Act, 1940, for the words "two months" the words "six months" shall be substituted.

CHAPTER III.

PREVENTION OF PREJUDICIAL ACTS AND CONTROL OF INFORMATION.

Prohibition of prejudicial acts, publications and communications.

10. (1) No person shall, without lawful authority or excuse,—

(*a*) do any prejudicial act ; or

(*b*) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any prejudicial report and any person who distributes or sells any report of that nature, knowing it to be of such nature, shall be deemed to have contravened this section.

(3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both :

Provided that in any proceedings arising out of a contravention of this section,—

(*a*) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,—

(i) before this Act came into force, or

(ii) with the permission, or under the authority, of the Government, or

(iii) as a proof intended for submission to the Government or to a person, or authority, designated by the Government in this behalf, with a view to obtaining permission for its publication ;

(*b*) in relation to the publication of any document, it shall be a defence for the accused to prove that the said document was published—

(i) before this Act came into force, or

(ii) with the permission, or under the authority, of the Government.

Proscription, etc., of certain documents.

11. (1) Where in the opinion of the Government any document made, printed or published, whether before or

after this Act came into force, contains any prejudicial report, the Government may, by order,—

(*a*) require the editor, printer, publisher or person in possession of such document to inform the authority specified in the order the name and address of any person concerned in the making of such report;

(*b*) provide for the safe keeping of such document and copies thereof by persons in possession thereof;

(*c*) require the delivery of such document and any copy thereof to any authority specified in the order;

(*d*) prohibit the further publication, sale or distribution of such document, or of any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;

(*e*) declare such document and every copy, or translation thereof or extract therefrom to be forfeited to the Government.

(2) Where, in pursuance of sub-section (1), any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document, or any copy thereof is or is reasonably suspected to be.

(3) Where, in pursuance of sub-section (1), any document has been declared to be forfeited to the Government, any police officer may seize any copy thereof wherever found, and any Magistrate may, by warrant, authorise any police officer not below the rank of a Sub-Inspector to enter upon and search any premises whereon or wherein such document, or any copy thereof, is or is reasonably suspected to be.

(4) Whoever contravenes any order made under this section shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Control of documents printed or made outside Mysore.

12. The Government may, by general or special order, prohibit or regulate the entry into, or sale, or distribution, or circulation, or publication or possession within Mysore of any document, or class of documents or of any prejudicial report printed, or made, outside Mysore.

Censorship.

13. (1) The Government may, for the purpose of securing the public safety or for the maintenance of public order, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally—

(*a*) require that all matter, or any matter, relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(*b*) prohibit or regulate the making, or publishing, of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press.

(2) If any person contravenes any order made under sub-section (1), the Government may, without prejudice to any other proceedings which may be taken against such person, declare to be forfeited to the Government every copy of any document published or made in contravention of such order and any press used in the making of such document.

(3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation.—For the purposes of this section "press" includes a printing press and all machines, implements and plant, and parts thereof, and all materials used for multiplying documents.

Dissemination of false rumours.

14. Whoever by words, whether spoken or written or by signs, or by visible or audible representations, or otherwise makes, publishes, or circulates, any statement, rumour or report, which is false and which he has no reasonable grounds to believe to be true, with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public, or hatred or contempt towards any public servant, or any class of public servants, or any class or section of the subjects of His Highness the Maharaja shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Participation in mock funeral ceremony.

15. Whoever with intent to intimidate, insult or annoy any person, or with the knowledge that intimidation, insult or annoyance is likely to be caused to any person, performs, or takes part in, or abets the performance of, any

mock ceremony, resembling any ceremony associated with, or consequent upon, death, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Sabotage.

16. (1) No person shall do any act with intent to impair the efficiency, or impede the working of, or to cause damage to—

(*a*) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purpose of the Government or of any local authority;

(*b*) any railway (as defined in the Mysore Railways Act, 1894) tramway, road, canal, bridge, culvert, causeway, aerodrome, or any telegraph, telegraph line or post (as defined in the Indian Telegraph Act, 1885);

(*c*) any rolling stock of a railway or tramway, or any aircraft;

(*d*) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty either to the Government, or to any public authority or to any person to do as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such building, place or property, as is mentioned in sub-section (1), in circumstances which afford reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Receiving of sabotaged property.

17. (1) If any person dishonestly receives or retains, or voluntarily assists in concealing or disposing of or making away with, any sabotaged property, knowing, or having reason to believe, the same to be sabotaged property, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

(2) In this section "sabotaged property" means property the possession of which has been transferred by, or in consequence of, any such act as is referred to in sub-section (1) of section 16.

Additional power to declare an association unlawful.

18. (1) If the Government is of opinion that any association is organised or equipped for the purpose of enabling the members of the association to be employed, or is organised or equipped in such manner as to arouse reasonable apprehension that the members of the association may be employed, in usurping the functions of the State Forces, or His Majesty's Forces, or of any police force or of any force constituted under any law for the time being in force, in furtherance of the common object of the association, or for the doing of any prejudicial act, the Government may, by notification in the Official Gazette, declare such association to be unlawful.

Explanation.—In this section "association" means any combination or body of persons, whether the same be known by any distinctive name or not.

(2) On the issue of a notification under sub-section (1) declaring an association as unlawful, the provisions of the Indian Criminal Law Amendment Act, 1908, as continued in the retroceded area by the Retrocession (Application of Laws) Act, 1947, shall apply with respect to an association in the retroceded area, and the provisions of the Mysore Public Security Act, 1940, shall apply to an association elsewhere in Mysore.

Boycotting.

19. Whoever refuses to deal or do business with, or to supply goods, or to let a house or land to, or to render any customary service to, any public servant or any person in whom a public servant is interested, or refuses to do so on the terms on which such things would be done in the ordinary course or abstains from such professional or business relation as he would ordinarily maintain with such public servant or person, or threatens such public servant or person with any such refusal or abstention, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both:

Provided that no person shall be convicted under this section if the court is satisfied that his refusal, abstention or threat as aforesaid was not intended to harass the public servant or person affected thereby in the discharge of the duties of his office or employment, or to cause him to terminate his services or fail in his duty or commit a breach of discipline.

CHAPTER IV.

COLLECTIVE FINES.

Imposition of collective fines.

20. (1) If it appears to the Government that the inhabitants of any area are concerned in, or abetting the commission of, offences prejudicially affecting the public safety or the maintenance of public order, or the production, supply or distribution of any essential commodity, or the maintenance of supplies and services essential to the life of the community, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the Government may, by notification in the Official Gazette, impose a collective fine on the inhabitants of that area:

Provided that an imposition of a collective fine by any officer or authority to whom the power may have been delegated under this Act may be made by publication of the order imposing the fine in such manner as such officer or authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned.

(2) The Government or any officer empowered by it in this behalf may, by general or special order, exempt any class, or section of such inhabitants or any person from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made in accordance with the District Magistrate's judgment regarding the respective means of such inhabitants. An appeal shall lie to the Government from an order of apportionment by the District Magistrate; provided that such appeal is preferred within sixty days from the date of such order exclusive of the time required for obtaining a copy of the order.

(4) The portion of such fine payable by any person—

(*a*) shall be treated as a fine imposed by the Magistrate acting as a Court and recovered

in the manner provided by the Code of Criminal Procedure for the recovery of a fine imposed by a Court :

Provided that the Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure make rules under this Act regulating the manner in which warrants under clause (*a*) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant ; or

(*b*) shall be recovered as arrears of land revenue.

CHAPTER V.

CONTROL OF ARMS AND EXPLOSIVES.

Carrying and possession of arms and explosives.

21. (1) The Government may, by general or special order, prohibit, restrict or impose conditions on the possession, carrying, use, sale or other disposal of—

(*a*) arms or articles capable of being used as arms;

(*b*) ammunition ;

(*c*) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Mysore Explosives Act, 1888;

(*d*) corrosive substances or liquids ;

(*e*) any other article or thing capable, in the opinion of the Government, of being used as a weapon of offence.

(2) Without prejudice to any powers conferred by, or under, any other law for the time being in force,—

(*a*) if any police officer not below the rank of Jamedar, or any other public servant authorised by the Government to act under this section, suspects that any arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or

liquids, or any other things or articles capable of being used as weapons of offence are in or upon any land, vehicle, aircraft, building or other premises in contravention of an order made under sub-section (1), he may enter, at any time of the day or night, if necessary, by force, and search the land, vehicle, aircraft, building or premises in or upon which he suspects that a contravention of an order made under sub-section (1) has been committed, and may seize any arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances, or liquids, or other articles or things capable of being used as weapons of offence found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(*b*) if any police officer, or any other public servant authorised by the Government to act under this section, suspects that any person is carrying, or is in possession of arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or liquids, or other articles or things capable of being used as weapons of offence in contravention of an order made under sub-section (1), such officer, or other public servant, may stop and search, or cause to be searched, such person and seize any arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or liquids, or other articles or things capable of being used as weapons of offence possessed or carried by him which such officer, or other public servant, suspects to be possessed or carried in contravention of such order:

Provided that no female shall be searched in pursuance of the provisions of this section except by a female.

(3) Any arms, ammunition, explosive substances, corrosive substances or liquids, or other articles or things seized under the provisions of this section may be destroyed, or otherwise disposed of, as may be ordered by the Government.

(4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Manufacture and transport of explosives and dangerous articles

22. (1) The Government may, as respects any premises used for producing, treating, handling or keeping any explosives, or petroleum or any other substance to which any of the provisions of the Mysore Explosives Act, 1888, or of the Mysore Petroleum Act, 1942, or of the Indian Explosives Act, 1884, or of the Petroleum Act, 1934, as the case may be, apply or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises; and by any such order may authorise the searching of persons, entering, or seeking to enter, or being within, or leaving or seeking to leave any premises to which the order applies:

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Government may by order make, in relation to the conveyance on vehicles of any description of any such articles or substances as are mentioned in sub-section (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from, or in connection with, such conveyance.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

CHAPTER VI.

CONTROL OF ROAD TRANSPORT.

Power to prohibit or regulate the use of vehicles or animals.

23. (1) In this section :—

(*a*) 'vehicle' means any vehicle used, or capable of being used, for the purpose of road transport;

(*b*) 'animal' means any animal used, or capable of being used, for the transport of persons or goods.

(2) If, in the opinion of the District Magistrate it is necessary for the public advantage so to do, he may, by order in writing,—

(*a*) regulate, restrict or prohibit the use upon any road of any vehicle or animal;

(*b*) require any vehicle as a condition of use to carry a permit issued by him containing such conditions as he may think fit;

(*c*) require any person owning, or having in his possession or under his control, any vehicle or animal to comply with any directions contained in the order as to the management or use thereof, or to place the vehicle or animal at the disposal of the District Magistrate, or of any person specified in the order, either absolutely or by way of hire and either for immediate or future use.

(3) The District Magistrate may cancel any permit issued by him, and may impound or take possession of any vehicle which is being, or has been, used without the permit necessary as a condition of use, or in contravention of any order made under sub-section (2) or of any condition attached to any permit issued by him.

(4) The District Magistrate may—

(*a*) require accommodation to be provided on any vehicle for any passengers or goods and, for this purpose, exclude from such vehicle any passengers or goods which it is already carrying or about to carry;

(*b*) require that any specified persons or classes of persons, or persons proposing to travel to specified destinations, or any specified goods or classes of goods consigned to specified destinations, shall not be carried on any vehicle or animal;

(*c*) exclude or eject any passenger from any vehicle, or prohibit the use by any specified person or class of persons of any specified road, or specified vehicle or specified animal.

(5) The District Magistrate may, by order in writing, regulate or prohibit the sale, supply, delivery or use of motive fuel, oil or accessories intended for motor vehicles.

CHAPTER VII.

SUPPLEMENTAL.

Power to obtain information.

24. (1) Without prejudice to any special provisions contained in this Act, the Government or the District Magistrate may by order require any person to furnish or

produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or article which the Government or the District Magistrate, as the case may be, considers it necessary or expedient in the interests of the public safety or interest to obtain or examine.

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

False statements.

25. If any person when required by or under any of the provisions of this Act to make any statement or furnish any information makes any statement or furnishes any information which he knows, or has reasonable cause to believe, to be false or not true, in any material particular, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Power to delegate.

26. The Government may by order direct that any power or duty which under any of the provisions of this Act is conferred, or imposed, upon the Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to it.

Publication, affixation and defacement of notice.

27. (1) Save as otherwise expressly provided in this Act, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall:

(*a*) in the case of an order of a general nature or affecting a class of persons publish notice of such order by notification in the official Gazette or in such manner as may, in the opinion of such authority, officer, or person, be best adapted for informing persons whom the order concerns;

(*b*) in the case of an order affecting an individual, corporation or firm in the Retroceded Area serve, or cause the order to be served, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908, (V. of 1908), as continued in the Retroceded Area by the Retrocession (Application of

Laws) Act, 1947, and in the case of an order affecting an individual, corporation or firm elsewhere in Mysore serve, or cause the order to be served, in the manner provided for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1911; and

(*c*) in the case of an order affecting an individual person (not being a corporation or firm) serve, or cause the order to be served, on that person :—

(*i*) personally, by delivering or tendering to him the order; or

(*ii*) by post; or

(*iii*) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family, or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided, or carried on business or personally worked for gain.

(2) If, in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Act, compliance with sub-section (1) shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1) :—

(*i*) shall not preclude proof by other means that he had information of the order; and

(*ii*) shall not affect the validity of the order.

(3) Any police officer, and any other person authorised by the Government or the District Magistrate in this behalf may, for any purpose connected with the public safety, the maintenance of public order, maintaining supplies and services essential to the life of the community, or for carrying out the provisions of this Act affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising the power conferred by this section, enter any premises, vehicle or vessel at any time.

(4) Any person authorised by the Government or the District Magistrate in this behalf may, for any purpose mentioned in sub-section (3), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on, or in, the

premises, vehicle or vessel in such manner as may be specified in the order.

(5) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed, or displayed, in pursuance of the provisions of this Act, or contravenes any order under sub-section (4), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Offences under this Act to be cognizable and non-bailable.

28. Notwithstanding anything contained in the Code of Criminal Procedure, any offence punishable under this Act shall be cognizable and non-bailable.

Special provisions regarding bail.

29. Notwithstanding anything contained in the Code of Criminal Procedure, no person accused or convicted of a contravention of any of the provisions of this Act or of any order made thereunder shall, if in custody, be released on bail or on his own bond unless,—

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

(*b*) where the prosecution opposes the application and the contravention is of any such provision of this Act, or of any order made thereunder, as the Government may, by general order, specify in this behalf, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention.

Attempts etc., to contravene the Act.

30. Any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to a contravention of any of the provisions of this Act, or of any order made thereunder, shall be deemed to have contravened that provision, or, as the case may be, that order.

Offences by corporations.

31. If the person contravening any of the provisions of this Act or of any order made thereunder is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Assisting offenders.

32. Any person who knowing, or having reasonable cause to believe, that any other person has contravened any of the provisions of this Act, or of any order made thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere

with, his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

Power to issue search warrants.

33. The power to issue search warrants conferred by Section 98 of the Code of Criminal Procedure shall be deemed to include the power to issue warrants for—

(*a*) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or the maintenance of public order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code of Criminal Procedure shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

Power to give effect to orders, etc.

34. (1) Any authority, officer or person who is empowered by, or in pursuance of, this Act to make any order, or to exercise any other power, may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (1), the Government or District Magistrate may take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of the Government or the District Magistrate, be reasonably necessary for securing compliance with, or for preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubts it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever.

Protection of action taken under this Act.

35. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, in pursuance of this Act, or of any order made thereunder.

Operation of other penal Acts not barred.

36. Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other Act for any act or omission which constitutes an offence punishable under this Act.

Savings as to orders.

37. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by such authority.

Repeal and Savings.

38. The Mysore Maintenance of Public Order (Emergency) Act, 1948 (XV of 1948), and the Mysore Maintenance of Public Order (Amendment) (Emergency) Act, 1948 (XXVII of 1948) are hereby repealed. But any order made, anything done and any action taken in exercise of any power conferred by the Mysore Maintenance of Public Order (Emergency) Act, 1948 (XV of 1948) shall be deemed to have been made, done or taken in exercise of the powers conferred by, or under this Act, as if this Act had commenced on the 14th day of February 1948.

A. RAMASWAMI MUDALIAR,

Dewan.

Printed by the Superintendent at the Government Press, Bangalore.